IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 1509 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

MITABEN SAMIRKUMAR RAVAL

Versus

SAMIR RAVISHANKAR RAVAL

Appearance:

1. Misc.Civil Application No. 1509 of 2001

MS SONAL D VYAS for Petitioner No. 1

MR MTM HAKIM for Respondent No. 1

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 09/12/2002

ORAL JUDGEMENT

#. The petitioner is the wife and she has filed Hindu Marriage Petition No.576 of 2001 for restitution of

conjugal rights. Prior to that, present respondent - the husband has filed Hindu Marriage Petition No.292 of 2001, which is pending in the Civil Court at Vadodara. Since two proceedings are pending before two different courts, i.e. divorce petition filed by the husband and the petition for restitution of conjugal rights filed by the wife, in my view, both the said proceedings are required to be heard together. On behalf of the petitioner, it is stated that, she is residing at Ahmedabad and she finds it difficult to go to Vadodara for various reasons.

#. Considering the fact that two petitions are pending before two different courts, in my view, it is just and proper to transfer Hindu Marriage Petition No.292 of 2001 pending in the court of the Civil Judge (Senior Division), Vadodara to the Family Court at Ahmedabad. After receiving the papers of Hindu Marriage Petition No.292 of 2001, the said petition is to be heard along with Hindu Marriage Petition No.576 of 2001 and the Family Court, Ahmedabad is directed to hear both the aforesaid petitions together and dispose of the same in accordance with law. This MCA is accordingly allowed. H.M.P.No.292 of 2001 is ordered to be transferred to the Family Court at Ahmedabad and thereafter, the same is to be heard with H.M.P.No.576 of 2001. The Family Court, Ahmedabad is directed to dispose of both the petitions as early as possible and at least within a period of six months from today. Rule is made absolute to the aforesaid extent with no order as to costs.

(P.B.Majmudar,J)
(pathan)